



**Policing Advisory Commission**  
**Monday, October 19, 2020**  
**Virtual Meeting**  
**6:30 – 7:30 pm**  
**Meeting Minutes**

**Commission Members Present:** Jerome Price, Jenn Lynn, Justice Reid, Shabab Ahmed Mirza, Nadia Salazar Sandi, Vernon Ricks, Eric Sterling, Alicia Hudson, Robin Gaster, Jasmine Williams, Dalbin Osorio, Cherri Branson

**Commission Members Absent:** Caroline Fredrickson

**Ex Officio Members Present:** Dinesh Patil (Designee of Chief Marcus Jones), Cate Brewer (FOP representative)

**Support Staff:** Carlos Camacho, Susan Farag

**Guests:** Tondalayo Royster, Laura Wallace, Lisa Mandel-Trupp, Bob Drummer

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**Call to Order:** Meeting was called to order at 6:36pm

**Agenda:**

- 1. Attendance and Recording of Meeting:** Mr. Camacho took attendance and began recording the meeting
- 2. Discussion of Bill 34-20**
  - Ms. Mirza – Try to identify three key questions:
    - i. How does the Commission feel about weighing in on legislation, particularly pending legislation?
    - ii. Should we weigh in on Bill 34-20?
    - iii. Thoughts, comments, reflection on the specific bill
  - Mr. Reid – How should we go about commenting on the bill on relatively short notice? Want to ensure that we hear other sides and perspectives. Does this bill create a broader unknown or unintended consequences to other stakeholders outside of the police (e.g. unions).
  - Ms. Sandi – Concerned on how this bill would impact collective bargaining rights for workers in MoCo. Not sure the answer is to give someone (i.e. Chief of Police) all of the power with respect to making disciplinary decisions rather than getting the community involved in these matters.
  - Dr. Gaster – Also concerned about collective bargaining. Mr. Sterling's comments on the bill was very persuasive and makes a fair point about the PAC being meant to create change. Allowing existing barriers to remain on procedural grounds is not acceptable. In favor of opening the door to reform but cautious on the labor aspect. Should not rush into this but should get the opinion from folks regarding the impact on labor rights.
  - Ms. Mirza - Should be referred to a subcommittee on discipline. Good test case to figure out the process around commenting on legislation. Interested in looking at citizen oversight and how that could play a role in disciplinary procedures.
  - Mr. Ricks – Should wait for the state legislature regarding changes to LEOBR. Also, should not get ahead of ourselves as many different bodies are looking at this issue. Should wait to see what comes out of the

legislature, the Reimagining Public Safety Task Force, and others.

- Ms. Brewer – It's important to understand the intent of the language that gets used in the union contracts and the intent of the legislation. Happy to provide further background on this.
- Ms. Branson – Does not have an objection to the bill. Concern is in the PAC's process and what effect taking a position will have on the legitimacy on how the PAC is viewed in the future. Feels it is unusual for Commissions to take a position while things are still moving forward.
- Mr. Osorio – Doesn't feel like the PAC should simply wait as other pieces of legislation are introduced. The collaborative nature of this legislation is promising but it is important to keep in mind what this would mean with regards to union power. Think this legislation is an important step in the right direction and believe things may become more difficult if this step is not taken now.
- Asst. Chief Patil – Main purpose is to answer any questions on how the discipline process works now. Has never seen the amount of emphasis on police reform in his almost 27 years on the force. Cautions against any legislation that may be in conflict with state level laws. Being patient could result in better police practices due to less confusion.
- Mr. Sterling – Shares the concerns others has raised regarding process. It would be inappropriate for the PAC to say tonight that they fully understand the implications of the bill and say they are in favor or not. Haven't had enough time to research this. Proper process would be to refer the question of endorsement of the bill to the appropriate subcommittee. Think that the PAC does have a responsibility to give recommendations based on the legislation that created the PAC. Shouldn't wait for the General Assembly to act. Should consider the law as it is now - LEOBR. Believe that any legislation that will impact LEOBR is not likely to be signed by the governor and would not go into effect for another year. The changes in this bill could potentially be tested for only one fiscal year as other union language and stipulations are structured similarly.
- Ms. Williams – Largely in favor of the intent of the legislation and is a positive step towards accountability but believe that the PAC needs more time to deliberate.
- Ms. Lynn – Think we do need change. Believes Chief should have more say in discipline. Don't think we should be making any uninformed decisions and should get a wide variety of input (e.g. MCPD) and need to be cognizant of the impact of all these reforms on the police. Would like to see this referred and commented on by a subcommittee.
- Mr. Price – This bill is very significant. Need to understand the impact on unions and labor rights. Sets a framework for the PAC's work. Believes the police contract is ready to expire so that presents an opportunity to make some positive change.
- Ms. Hudson – Agrees that PAC should reserve judgement until it is able to do more research. Believes most cops do want to protect everyone regardless of how a person looks and are law abiding yet LEOBR is contributing to the community's concern on how to handle those officers that slip through and should not have become officers in the first place and further allow more terrible incidents. LEOBR definitely needs to be looked at.
- Dr. Gaster – Should not be waiting for LEOBR reform to act, we can do what we can at the County level. Can we arrange a briefing for the PAC or subcommittee from the FOP, from MCPD, and from the sponsors of the legislation, and from any other stakeholder? Until we hear in detail on why these provisions are good or not then, I can't make a decision one way or another. This is an opportunity for the PAC to get a lot more info from informed opinions. In Councilmember Riemer's letter, the alternative hearing board system has not managed to meet in more than 4 years, is this true?
  - i. Asst. Chief Patil – Cannot say for sure but the idea that it has taken 4 years for a case to come to the board has happened and often those officers are on administrative leave during this period.
  - ii. Dr. Gaster - Not acceptable. Need to fix that.
  - iii. Asst. Chief Patil – There have been discussions between the Officer of Labor Relations, FOP, and the Chief and things have started moving forward on scheduling of hearing board deliberations.
- Ms. Sandi – Wanted to clarify that I believe there should be meaningful legislation that holds officers accountable. Tired of the band aid fixes. Lucky to have Chief Jones currently but what happens with the

next chief? Cannot attack workers at this point in time. The testimony on this bill was very informative. There are no other professions that have a bill of rights. Real transparent and meaningful reform that does not scapegoat unions

- Mr. Ricks – Hope that this group could have gone through the Academy by now to answer some of the questions that folks may have on internal policies and procedures.
- Ms. Brewer – Caution people about the assumption that the discipline/hearing board process is slow because of the union because that is unfair and willing to have a broader discussion regarding the discipline process. For clarification, three other union's in other counties in MD have alternate hearing boards. The process that gets you to a hearing board may not necessarily change through this bill.

### **3. Motion to Refer the Question of Bill 34-20 to the Subcommittee on Hiring and Discipline**

- Mr. Sterling – **Move that the Commission refer the question of Bill 34-20 to the Subcommittee on Hiring and Discipline for 2 months (60 days) to examine and recommend, by the January PAC meeting, as to whether the Commission should endorse the bill or not. It will then be referred back to the full Commission for discussion and next steps. Seconded by Ms. Hudson. Motion passed 11 to 1.**
  - i. Ms. Branson – What subcommittee would study this? Prefer that the motion be rephrased to make it more open-ended and not be pre-determined to a yes answer.
    - Ms. Mirza – The issue would be referred to the hiring and discipline committee.
  - ii. Mr. Osorio – Think this should be the appropriate process for other pieces of legislation going forward - if the PAC is asked to opine on a bill then it should be referred to the appropriate subcommittee to allow the subcommittee to do its work.
  - iii. Ms. Mirza – Suggest tying the deadline for when the subcommittee will report back to one of the PAC meetings?
    - Mr. Sterling – Makes sense to tie this to the January meeting. Would like to ask for unanimous consent to change the motion to clarify that the bill will be referred to the subcommittee for the purpose of bringing back a recommendation to the full PAC.
    - Ms. Mirza – The motion will be amended as such.
  - iv. Ms. Branson – Believe that the motion should include that the Commission will inform the Council president of the decision and the rationale for the decision. Motion should be that the question is posed and that it will be communicated to the Council President on the vote has been made.
    - Ms. Mirza – Suggests a vote on the motion as it stands now and will ensure that the decision on how the PAC will proceed will be communicated to the Council President.
    - Ms. Branson – That is fine.

### **4. Meeting Adjourned.** Meeting was adjourned at 7:31pm.